

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
March 18, 2003, 9:00 A.M.

City Hall
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the regular meeting of March 4, 2003, and the special meeting of March 10, 2003.
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AWARDS AND PRESENTATIONS

- Proclamations
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PUBLIC AGENDA

1. Robert B. Coyle – Problems concerning property at 3680 Sunnybrook.
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UNFINISHED BUSINESS

2. Emergency Preparedness
(Continued from March 4, 2003; presented by Sedgwick County)

RECOMMENDED ACTION: Receive and file.

NEW BUSINESS

3. Sanitary Sewer Main to Serve an Area Generally Bound by 29th Street North, Hoover, K-96, and Tyler.
(District V)

The proposed sewer main will connect to an existing line near 29th Street North and Ridge Road, and extend north to 37th Street North.

RECOMMENDED ACTION: Approve the project and adopt the Resolution; OR
refer to the District Advisory Board for recommendation.

4. Sanitary Sewer Main to Serve an Area Generally Bound by 37th Street North, Broadway, 69th Street North, and West of Meridian. (District VI)

The proposed sewer main would connect to an existing line near 37th and Arkansas, and extend to west of Meridian and north of 61st Street North. This project will provide public sanitary sewer system to the area and alleviate failing septic systems.

RECOMMENDED ACTION: Approve initiation of the project by referring to the District Advisory Board.

5. Electrical Code Ordinance Changes.

The National Electric Code is updated every three years. The proposed Ordinance, recommended by the City's Board of Electrical Appeals, brings the City Code current with the NEC National Code.

RECOMMENDED ACTION: Approve first reading of the Ordinances.

(9:30 a.m., or soon thereafter)

6. Public Hearing on Proposed Assessments for Paving Projects in Bond Sale Series 774, July 2003.

Notice of hearing has been published and property owners have been notified (in writing) of today's public hearing.

RECOMMENDED ACTION: Close the public hearing; approve the proposed assessments and first reading of the Ordinances.

7. Public Hearing and Tax Exemption Request – Product Manufacturing Corporation. (District IV)

Product Manufacturing Corporation requests an Economic Development Expansion tax exemption on additional manufacturing space and new equipment.

RECOMMENDED ACTION: Close the public hearing; approve the tax exemption and first reading of the Ordinance.

(9:30 a.m., or soon thereafter)

8. Public Hearing and Adoption of the Waterwalk Redevelopment Project Plan. (District I)

The Redevelopment Project Plan describes the district and projects being financed with tax increment funds.

RECOMMENDED ACTION: Close the public hearing; approve first reading of the Ordinance.

(9:30 a.m., or soon thereafter)

9. Repair or Removal of Dangerous and Unsafe Structures.

On February 4, 2003, the City Council adopted Resolutions setting today as the public hearing date for the following properties:

	<u>Property Address</u>	<u>Council District</u>
a)	2649 North Spruce	I
b)	508 South Meridian	IV

RECOMMENDED ACTION: Accept the BCSA recommendations; adopt the Resolutions.

10. Southwestern Bell Telephone Franchise Agreement.

A new Franchise Agreement between the City and Southwestern Bell Telephone, L.P. (d/b/a SBC Kansas) has been negotiated for a three-year term, with options to renew for an additional term.

RECOMMENDED ACTION: Approve first reading of the Franchise Ordinance.

11. Revised Fee Structure for Street Right-of-Way Permits.

The proposed permit fees established to offset inspections and administrative costs associated with the street permit system.

RECOMMENDED ACTION: Approve first reading of the Ordinance; and necessary budget adjustments.

12. Transient Merchant Ordinance Revisions.

The proposed Ordinance includes District Advisory Board recommendations and applies equally to all itinerant merchants.

RECOMMENDED ACTION: Approve first reading of the Ordinance.

13. Publication of Legal Notices.

Requests for Proposals were sent to vendors that meet Kansas statutory requirements.

RECOMMENDED ACTION: Approve a contract; authorize the necessary signatures.

14. Wastewater Reuse Plan.

The report outlines future potential for moving high volume irrigation water users from potable water to re-use grey water to further extend the potable water supply. No immediate action is required other than authorization for staff to continue the study effort.

RECOMMENDED ACTION: Receive report and take appropriate action

15. Fire Station Disposition.

New Fire Stations have been constructed to replace existing older Fire Stations. Once relocation of personnel and equipment is complete, the old facilities will be ready to surplus.

RECOMMENDED ACTION: Approve of the property disposition.

16. Request from Kansas Aviation Museum for Funding Assistance.

The Museum Board is seeking funding assistance for matching grants for historic building renovation work.

RECOMMENDED ACTION: Authorize work with the Museum Board
to explore appropriate funding options including
grant/loan.

CITY COUNCIL AGENDA

17. Request for Approval to Send Letter - Extension of Operation of C & D Landfill.

RECOMMENDED ACTION: Approve the letter.

18. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

CONSENT AGENDA

19. Report of the Board of Bids and Contracts Dated March 17, 2003.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

20. Application for Licenses for Adult Entertainment Establishments/Services:

Renewal Escort Service

Tekoa Callaway	Private Escapes	333 East English #150
Sonia Barnes	Class Act Productions	209 South Washington

New Escort Service

Emma Jean Kinglsey	Absolute	1127 East Douglas
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Video Arcade

Valerie Washington	Xcitement Video	1306 East Kellogg #101
Valerie Washington	Xcitement Video	1515 South Oliver

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

21. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
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Jose A. Garcia	Garcia's Tacos*	2138 North Market
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<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
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Mark Boswell	Midway Oil #11	895 South Woodlawn
David Bullington	Walmart	11411 East Kellogg Drive

<u>Special Event</u>	<u>Date</u>
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Newman University Renaissance Faire	April 26 and 27, 2003
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

22. Subdivision Plans and Specifications.

RECOMMENDED ACTION: Approve and advertise for bids to be submitted to the Board of Bids.

23. Preliminary Estimates:

- a) Water Distribution System to serve Southern Ridge Addition – south of Pawnee, west of Maize. 448-89765/735111/470781) Does not affect existing traffic. (District V) - \$238,000.00
- b) Chautauqua, from 29th to 27th Street North to serve Bruce Jones Addition and Agee Hunter Addition - south of 29th Street, west of Hillside. (472-83601/765741/490852) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$67,000.00

(Item 23 continued)

- c) Seneca, from University to Third Street-Phase II Landscaping - north of Kellogg, west of McLean. (472-82966/706747/208228) Does not affect existing traffic. (District IV) - \$188,855.00
- d) White Tail/Tipperary from the southerly line of Lot 21, Block 1 to the east line of Lot 1, Block 3; White Tail from the south line of Tipperary to the south line of Lot 46, Block 1; Tipperary Circle from the east line of White Tail to and including the cul-de-sac; and White Tail Court serving Lots 26-31, Block 1. A 5 foot sidewalk to be installed on the north and west line of Tipperary/White Tail to serve Balthrop 4th Addition - north of Central, west of K-96. (472-83469/765759/490870) Does not affect existing traffic. (District II) - \$275,000.00
- e) Traffic signal at the intersection of Webb and Wilson Estates Parkway to serve Wilson Estates Medical Park - south of 21st Street South, west of Webb. (472-83677/765767/490878) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$150,000.00
- f) Lateral 40, District T, Sanitary Sewer #12 to serve Power CDC Second Addition - north of 25th Street North, west of Grove. (468-83572/743970/480658) Does not affect existing traffic. (District I) - \$108,000.00
- g) Water distribution system to serve Power CDC Second Addition - north of 25th Street North, west of Grove. (448-89762/735107/470777) Does not affect existing traffic. (District I) - \$47,000.00
- h) Water distribution system to serve The Waterfront Addition - north of 13th Street North, east of Webb. (448-89768/735110/470780) Does not affect existing traffic. (District II) - \$315,000.00
- i) Lateral 3, Main 13, Sanitary Sewer 23 to serve Wichita Heights High School - south of 53rd Street North, west of Hillside. (468-83535/ 743964/480964) Does not affect existing traffic. (District I) - \$215,000.00
- j) Intersection improvements at 13th Street North and Hydraulic - east of I-135 at 13th Street North. (87 N-0211-01/472-83167/706849/202315) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$650,000.00
- k) Water distribution system - Phase 2 to serve Eagles Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (448-89650/735113/470783) Does not affect existing traffic. (District I) - \$96,000.00
- l) Storm Water Drain #190 to serve Hawthorne Addition - south of 21st Street North, east of 127th Street East. (468-83516/751321/485212) Does not affect existing traffic. (District II) - \$577,000.00
- m) An extension of a left turn lane to serve the northbound left turn movements at Webb Road and Wilson Estates Parkway and a contingent northbound left turn lane on Webb Road to serve the proposed southern driveway. Provide a third lane on Wilson Estates Parkway between the first entrance and Webb Road, said lane being designed for dual eastbound lanes onto Webb at the intersection and transitioning to dual westbound lanes (one left turn only, on through) at the first entrance to the medical park. Prohibit left turns onto Wilson Estates Parkway from the eastern entrance by use of a directional raised median in the private drive entrance. Crosswalks across Wilson Estates Parkway at the first two entrances west of Webb Road on the north side to serve Wilson Estates Medical Park - south of 21st, west of Webb. (472-83676/765766/490877) Does not affect existing traffic. (District II) - \$350,000.00

RECOMMENDED ACTION: Approve and file.

24. Deeds and Easements:

- a) Sanitary Sewer Easement dated December 30, 2002 from John D. Greenstreet, Managing Member of JDG, LLC for a tract of land located in Equestrian Estates Addition to Wichita, Sedgwick County, Kansas (Lat. 343, FMC, OCA #743977). No cost to City.
- b) Utility Easement dated February 21, 2003 from Marvin Schellenberg for a tract of land located in Lot 1, Block 1, Hoskinson 2nd Addition, Sedgwick County, Kansas (Basin 4, OCA #624054). No cost to City.

RECOMMENDED ACTION: Accept documents.

25. Petitions for Public Improvements:

- a) Sanitary sewer to serve part of Jones Park Addition – north of 33rd Street North, west of Fairview. (District VI)
- b) Pave streets to serve Reed Commercial Addition – south of 21st, east of 127th. (District II)
- c) Pave part of White Tail Street in Balthrop Fourth Addition – north of Central, west of K-96. (District II)
- d) Street paving, sanitary sewer, and water distribution system to serve Brentwood South Addition – east of Webb, north of Pawnee. (District II)
- e) Sanitary sewer to serve part of Mediterranean Office Park Addition – east of Rock, north of 29th Street North. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

26. Minutes of Advisory Boards/Commissions:

Wichita Alternative Correctional Housing Advisory Board, January 23, 2003
Wichita Airport Advisory Board, February 3, 2003
District V Advisory Board, February 3, 2003
Board of Code Standards and Appeals, February 3, 2003
Office of Central Inspection, February 3, 2003
Board of Electrical Appeals, February 11, 2003
Wichita Public Library Board, February 18, 2003
Design Council, February 20, 2003

RECOMMENDED ACTION: Receive and file.

27. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

28. Report on Claims Allowed - 2003:

<u>Name of Claimant</u>	<u>Amount</u>
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The following Claims were approved during the Month of February 2003.

Flax, Robert & Debbie	\$154.14
Jones, Leon M.	\$120.00
Schneider, Bob	\$261.46
Sherrill, Brenda	\$2,000.00 **
Smith, Mark A.	\$202.38
Strunk, Peter J.	\$650.54
Thompson, Kim	\$250.00
Thorpe, Becky	\$122.46

** Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

29. Agreements/Contracts:

- a) Parking management extension.
- b) Brooks Landfill amendment. (District VI)
- c) Gilbert and Mosley amendment.
- d) HOME funding amendment – Case Building. (District VI)
- e) Release of hardship deferral lien.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

30. Design Services Agreements:

- a) Liberty Park, Cooper Gates Estates, Cooper Gate, and Heritage Baptist Church Additions – south of 13th, west of 135th Street West. (District V)
- b) Wilson Estates Medical Park – south of 21st, west of Webb. (District II)
- c) Sierra Hills and Equestrian Estates Additions – east of 127th Street East, north of Pawnee. (District II)
- d) Evergreen Addition – north of 21st Street, west of Maize Road. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

31. Change Orders:

- a) Hydraulic improvement, from 57th Street South to MacArthur. (District III)
- b) Sanitary sewer main north of 45th Street North, east of Hydraulic. (District I)
- c) Cowskin Creek Water Reclamation Facility.

RECOMMENDED ACTION: Approve the Change Order; authorize necessary signatures.

32. Geographic Information Systems Software.

RECOMMENDED ACTION: Approve the software purchase.

33. Central Maintenance Facility Reconfiguration.

RECOMMENDED ACTION: Approve the project; authorize necessary budget transfers.

34. Mennonite Housing HOME Funding Allocation. (District I)

RECOMMENDED ACTION: Approve funding and contract negotiations; authorize signatures.

35. ICF Consultant Agreement – Planeview. (District III)

RECOMMENDED ACTION: Re-appropriate funding; authorize budget adjustments.

36. Budget Adjustment for Water and Sewer Utilities.

RECOMMENDED ACTION: Approve the budget adjustments.

37. Basin Four Improvements. (District V)

RECOMMENDED ACTION: Approve the expenditures; adopt the Resolution.

38. Grant Application – KDHE Clean Neighbors.

RECOMMENDED ACTION: Approve the Grant Application and receipt of funds; authorize necessary signatures.

39. Childcare Licensing Grant application.

RECOMMENDED ACTION: Approve the Grant Application and receipt of funds; authorize necessary signatures.

40. Certificate of Canvass.

Certificate of Canvass of the votes cast in the Primary Election on February 28, 2003, determining that the following candidates were duly nominated for the General Election to be conducted on April 1, 2003:

Mayor

Carlos Mayans

Bill Warren

Council Member, District II

Susan Schlapp

Ray Frederick

Council Member, District IV

George R. Dean

Paul Gray

Council Member, District V

Bob Martz

Marty Marshall

RECOMMENDED ACTION: Receive and file.

41. Property Acquisition:

- a) 502 West Lincoln Avenue. (District IV)
- b) 5239 South Hydraulic. (District III)
- c) Southwest corner of Hydraulic and 55th Street South. (District III)
- d) Portion of 5200 Block of South Hydraulic. (District III)
- e) 5316 South Hydraulic. (District III)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

42. Public Housing Home Ownership Plan – Sale of 551 Summitlawn. (District V)

RECOMMENDED ACTION: Approve the sale and request for releases from HUD; authorize necessary signatures.

43. Sale of Surplus Property:

- a) Southeast corner of Dugan Road and Kellogg Drive. (District V)

RECOMMENDED ACTION: Approve sale and Contracts; authorize necessary signatures.

44. Second Reading Ordinances: (First read March 4, 2003)

- a) Tax exemption request – Weaver Manufacturing, Inc. (District I)

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; describing the property of Weaver Manufacturing, Inc., and TDR, LTD., so exempted; and repealing Ordinance No. 45-179.

- b) Emergency wrecker services.

An Ordinance amending Section 3.49.010 of the Code of the City of Wichita, Kansas pertaining to wrecker services and repealing the original of said Section.

- c) 2003 traffic signal program. (Districts IV and V)

An Ordinance declaring the intersections of 21st Street North at 119th Street West, Macarthur at Meridian and MacArthur at Gold (2003 Traffic Signalization Program) 472-83609 to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

- d) Acquisition by eminent domain - tracts between 17th and 21st Streets North. (District I)

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of Hillside Avenue from 17th Street to 21st Street North in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof.

- e) Acquisition by eminent domain - tract at 2930 South Hoover. (District IV)

An Ordinance providing for the acquisition by eminent domain of certain private property easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of drainage East Hoover Road and south of Highway K-42 in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof.

- f) Kansas Sports Hall of Fame. (District V)

An Ordinance amending Ordinance No. 45-376 authorizing the City of Wichita, Kansas, to issue certain General Obligation Bonds of the City in an amount not to exceed One Million Six Hundred Thousand Dollars (\$1,600,000) for the purpose of acquiring the real property and existing improvements located at 238 North Mead Avenue, in the City of Wichita, Sedgwick, County, Kansas, and repairing, renovating and further improving said property for use by the Kansas Sports Hall of Fame.

(Item 44 continued)

- g) Amendment of Schedule II authorizing and providing for the Issuance of General Obligation Renewal and Improvement Temporary Notes.

An Ordinance amending Schedule II to Ordinance 45-544 of the City authorizing and providing for the issuance of General Obligation Renewal and improvement Temporary Notes, Series 207, of the City of Wichita, Kansas, in the total principal amount of \$90,700,000, introduced and under the rules laid over.

- h) ZON2002-00071 – south of Pawnee, west of Maize Road. (District IV)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2002-00071

- i) A02-23 – south of Kellogg, west of 143rd Street East. (District II)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A03-23

- j) A03-06 – 1700 South 151st Street West, south of Highway 54 and east of 151st Street West. (District V)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A03-06

- k) A03-07 – 4433 North Oliver, ¼ mile South of 45th Street North, west of North Oliver. (District I)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A03-07

RECOMMENDED ACTION: Adopt Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

- *45. DED2003-07 – Dedication of Access Control on the Southwest Corner of Funston and Broadway. (District III)

RECOMMENDED ACTION: Accept the Dedication.

- *46. SUB2002-79 – Plat of Woodland Lakes Estates Third Addition – South of Lincoln, West of 127th Street East. (District II)

RECOMMENDED ACTION: Accept the documents and Plat; authorize signatures; adopt Resolutions.

- *47. SUB2002-109 – Plat of Ironhorse at Oxford Addition – West Side of Woodlawn, South of 29th Street North. (District II)

RECOMMENDED ACTION: Accept the documents and Plat; authorize signatures; adopt Resolutions; approve first reading of ZON2002-52 Ordinance.

- *48. VAC2003-00002 – Vacate Portion of Platted Easement Northwest of 29th Street North and Webb Road.

RECOMMENDED ACTION: Approve the Vacation Order; authorize necessary signatures.

49. ZON2002-00073 – Zone Change from General Commercial and Single-Family Residential to General Commercial – South of 61st Street South, East of Seneca. (District IV)

RECOMMENDED ACTION: Concur with the findings of the MAPC and deny the request for General Commercial, and approve Office Warehouse subject to the condition of replatting within one-year; Ordinance to be forwarded for Council first reading with the Plat.

- *50. ZON2003-00001 – Eliminate Restrictive Covenant No. 18 to Allow Conversion of Existing Garage into an Apartment Unit – South of Second Street North, West of Athenian. (District VI)

RECOMMENDED ACTION: Approve elimination of Restrict Covenant #18, subject to provisions of a Protective Overlay, and first reading of the Ordinance.

- *51. ZON2003-00002 – Zone Change from Single-Family Residential to Multi-Family Residential – Northeast Corner of Maple and Robin – 254 South Robin. (District V)

RECOMMENDED ACTION: Approve the zone change subject to conditions, and first reading of the Ordinance.

- *52. A03-08 – Annex Land South of 29th Street North, West of Maize Road, Adjacent to Parkdale Street. (District V)

RECOMMENDED ACTION: Approve the annexation and first reading of the Ordinance.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

53. Agreements:

a) Prat and Whitney supplemental.

(Item 53 continued)

- b) Telephone equipment maintenance.
- c) U.S. Department of Agriculture.

RECOMMENDED ACTION: Approve the Agreements; authorize signatures.

54. Airfield Pavement Shoulder Rehabilitation.

RECOMMENDED ACTION: Approve the project and Contract; authorize necessary signatures.

55. Airfield Pavement Taxiway Construction.

RECOMMENDED ACTION: Approve the project budget.

Adjournment
